

INDEPENDENT ASSESSMENTS OF DOE EEOICPA PROCESS

Earlier this year, DOE hired the Hays Group, a national expert in workers compensation, to evaluate our operations and provide advice on how they could be improved. Where feasible, we are revising our operations to incorporate the Hays recommendations.

Similarly, we have closely analyzed comments from GAO staff for opportunities to improve. DOE will continue to look for efficiencies and opportunities to do the work quickly and more effectively.

Hays Report “EEOICPA Program Process Enhancements and Efficiency Improvements”

Significant Hays Recommendations (Grouped and Summarized)	Agree/disagree	Implementation plan/ Reason for disagreement
Case Management System—CMS <ul style="list-style-type: none"> • Computer system should provide additional functionality for case management staff. 	AGREE	<ul style="list-style-type: none"> • Some of the suggested functionality has already been provided in the September 2003 upgrade. DOE is evaluating additional functionality for the next upgrade (scheduled March 2004).
Hotline and Outreach— <ul style="list-style-type: none"> • Use Hotline for information gathering, dissemination • Suspend Traveling Resource Centers • Send mailing to applicants at end of QC process 	AGREE DISAGREE AGREE	<ul style="list-style-type: none"> • This is current practice; DOE will evaluate ways to improve its effectiveness. • DOE does not believe that restricting applicants from applying is the appropriate way to reduce its case backlog. • This is current practice in most cases; DOE will extend to all cases.
Intake/Mailroom— <ul style="list-style-type: none"> • Consolidate information related to a case in a single file • Work cases in batches, rather than first in, first worked 	AGREE AGREE	<ul style="list-style-type: none"> • DOE has already taken these steps. • The degree to which this will be implemented is under evaluation.
Records, File Room, QC— <ul style="list-style-type: none"> • Use Barcode File Tracking System • Use Different System for Records Room Organization • Use CMS for file tracking • Establish Recovery Process 	AGREE AGREE AGREE AGREE	<ul style="list-style-type: none"> • Implementation pending assessment of costs, benefits. • Implementation pending expansion of file storage capacity. • Functionality currently under development. • DOE is evaluating options for implementation.

<p>Quality Control: Triage Cases to—</p> <ul style="list-style-type: none"> • Identify ineligible • Accelerate simple cases • Eliminate cases with no possibility of toxic exposure • Start info requests from QC process 	<p>AGREE AGREE</p> <p>UNDER CONSIDERATION AGREE</p>	<ul style="list-style-type: none"> • DOE already conducts an initial eligibility review, and will look to implement an acceleration scheme. • See above. • DOE will evaluate whether it can eliminate such cases without Physician Panel review under current statute. • DOE is taking steps to implement.
<p>Case Development—</p> <ul style="list-style-type: none"> • Speed DOE Field Records Work by Using Financial Incentives and Penalties for Performance • Use Resource Centers to Request DOE data • Shift Burden of Proof to Applicants 	<p>PARTIALLY AGREE</p> <p>AGREE</p> <p>DISAGREE</p>	<ul style="list-style-type: none"> • DOE agrees with the intent and is evaluating contractually viable options to accelerate records retrieval. • DOE has already begun to develop this capability. • Conflicts with Secretarial direction provided during rulemaking process to treat these workers more fairly.
<p>Case Management—</p> <ul style="list-style-type: none"> • Restructure Staff Roles and Duties: Remove administrative burdens from Case Managers; elevate them to a review/ approval role, with admin support. 	<p>AGREE</p>	<ul style="list-style-type: none"> • Already being implemented. Case Manager role now emphasizes higher-level review, with additional staff added in support capacity. <p><i>(NOTE: Hays indicated that this is highest priority, highest payback of their recommendations)</i></p>

<p>Physician Panel Process—</p> <ul style="list-style-type: none"> • Standardize Panel Report Format • Bring MDs together (not “virtual” panel) • Use 1 physician per panel, not 3 	<p>AGREE AGREE</p> <p>UNDER CONSIDERATION</p>	<ul style="list-style-type: none"> • Already implemented. • DOE is setting up “in-residence” panels in DC area. • DOE is evaluating this suggestion, along with others that would improve Panel productivity. Implementation of this suggestion will require changes to DOE Rule with commensurate rulemaking comment time period.
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GAO Testimony, “Case Processing Bottlenecks Delay Payment of Claims”

GAO Issue	Agree/disagree	Corrective plan/ Reason for disagreement
<p>Energy has fully processed few cases, and systems limitations complicate program management</p> <ul style="list-style-type: none"> • 6% of cases have been completely processed. • The Majority of cases filed so far remain unprocessed • Systems Limitations Inhibit DOE’s Ability to Identify Some Information about Case Status • DOE did not sufficiently plan for or control the development of the data system 	<p>AGREE</p> <p>AGREE</p> <p>PARTIALLY AGREE</p> <p>PARTIALLY AGREE</p>	<p>DOE has been increasing its case processing capacity, and is working to address bottlenecks at the Physician Panel stage.</p> <p>Cases are registered, initially reviewed, and placed in a queue for development. DOE is increasing its processing capacity to work through the queue more quickly.</p> <p>Many items identified as “systems” issues are actually shortfalls in the design of original program application forms. Although the forms have been corrected, recovery of data from earlier applications continues as OWA contacts applicants during the case development process. Although these data issues are not inhibiting case development, they did make it difficult for GAO staff to query the data in the manner they prefer.</p> <p>The system is currently serving DOE’s needs, and scheduled upgrades will continue to improve its utility.</p>

<p>While a majority of cases potentially have a willing payer, actual compensation is not certain</p> <ul style="list-style-type: none"> • 86% of cases are likely to have a “willing payer” • Multiple Factors Make Compensation Uncertain • There will be inconsistencies among “willing payers” about how they accept and pay work comp cases with a positive finding. 	<p>PARTIALLY AGREE</p> <p>AGREE</p> <p>AGREE</p>	<p>GAO’s numbers presume best-case scenarios for many unresolved issues, such as subcontractor employees and commercial insurance coverage. DOE believes the number of willing payers will be somewhat lower.</p> <p>Numerous issues remain unresolved in the implementation of this program, such as determining the degree of disability on an individual case.</p> <p>Variations in contract language and insurance arrangements will impact the behavior of contractors—even after DOE instructs them not to contest a workers compensation claim for a condition for which the worker received a positive Panel finding. But this is no different than for non-EEOICPA workers’ compensation claims.</p>
<p>Bottlenecks in Energy’s Claims Process Delay Filing of Workers Comp Claims</p> <ul style="list-style-type: none"> • DOE has not been preparing a sufficient flow of cases to the Physician Panels. • Increased funding alone is not likely to produce more timely determinations • Limited Pool of Physicians Prevents Significant Improvements in Processing Time • Restructuring the Panel Review Process may be needed 	<p>DISAGREE</p> <p>PARTIALLY AGREE</p> <p>AGREE</p> <p>AGREE</p>	<p>DOE has been preparing more cases for the Physician Panels than the Panels have been able to review since at least June 2003.</p> <p>Increased funding will enable DOE to process cases more rapidly. It will also allow DOE to fund efforts to increase panel productivity, such as establishing “panels in residence” in addition to virtual panels.</p> <p>The lack of qualified physicians cannot be resolved by money alone. DOE believes increased efficiencies can be found in the current process, and is identifying ways to improve Panel throughput.</p> <p>DOE is evaluating options, including revising its Rule.</p>